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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,064	01/23/2002	Evan Stephen Crandall	113397C	7625

7590
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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/061,064

Applicant(s)

CRANDALL ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16, 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 2-9, 11-16 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-9, and 11-16, 19-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson et al. (WO 97/47119) in view of Baechle Michael (EP 0709997).

Claim 21, a method of transmitting information from a sender to a recipient, the method comprising the step of :

Establishing a voice connection on a voice communication network between the sender and the recipient, the recipient having voice communication network address (telephone #) (see page 15, lines 13-page 17, lines 23; page 16, line 1-4; and page 23, Fig. 9, lines 27-31; for example user A makes a voice call user B's phone number)

Determining a recipient data communication network address based on an association between the recipient data communication network address and the

recipient's voice communication network address (telephone #) (as disclosed at page 4, lines 23-25; page 12, lines 20-page 13, lines 25, page 15, lines 11-25 and Fig. 9, page 23, lines 28-page 24, lines 5, Hansson clearly explains how the telephony server 15 creates a dynamic relation between the IP address of the IP modem and the telephone number of user within the access network when the telephone server 15 receives an incoming call from an external network, i.e., PSTN or from an internal network, i.e., TV distribution network 8 of Fig. 9) ; and

Transmitting information from the sender to the recipient data communication network address via a data network during the voice communication (page 24, lines 6-23, Hansson further discloses in the context of intra-network communication apply to datacom, it would possible to tap a TV channel and send the information to PC 2 without passing any regular IP based network 14, i.e. Internet. In case of communication with an external IP network 14, this can be done through IP tunneling protocol, see page 13, lines 26-page 14, lines 31 and further explains how this could be done through IP-session, see page 15, lines 1-10).

Hansson does not clearly disclose obtaining from the sender, an identification of the A/V information to be sent to the recipient and transmitting A/V information from the sender to the recipient data communication network address via a data network during the voice communication.

Baechle discloses obtaining from the sender, an identification of the A/V information to be sent to the recipient and transmitting A/V information from the sender to the recipient data communication network address via a data network

during the voice communication (Col. 4, lines 34-Col. 5, lines 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson with the teaching of Baechle so that both sender and recipient able to experience of realtime interactive in which the sender able to share the control of the recipient TV device (Col. 1, lines 45-55).

Claim 2, "wherein transmitting begins after the recipient authorizes the broadcast" reads on the fact that both the caller and the recipient is connected through the phone for after the connection is made between the caller and the recipient through the telephone network, thereby authorizing the transmitting to the caller. As such the caller initiates a message/information to the recipient through the CATV network 8 (page 24, lines 7-23);

Claim 3, "wherein the recipient authorizes the transmitting by remaining on the voice connection for a designated period of time" reads on the connection is done between two devices by per session; thus when the session is terminated by an "on hook", the connection is terminated (page 17, lines 18-24) and further discloses by Baechle Col. 6, lines 28-38).

Claim 4, "wherein the recipient authorizes the transmitting by transmitting a signal across the voice communication network, after the voice connection has been established" reads on the recipient answers the call (page 18, lines 6-8).

Claim 5, "wherein the recipient authorizes the transmitting by transmitting a signal across the data network, after the voice connection has been established"

reads on the recipient answers the call, as disclosed on page 18, lines 6-8, using Internet telephony (page 22, lines 4-11).

Claim 6, receiving input from the recipient or sender; changing the information transmitted to the recipient data communication network address based on the input from the recipient or sender (page 24, lines 16-18).

Claim 7, "wherein the input is a signal transmitted across the voice communication network," reads on the conversation between the caller and the recipient in which the caller/recipient (page 23, lines 27-page 24, lines 23).

Claim 8, "wherein the input is a signal transmitted across the data network" (page 13, lines 25-page 15, lines 10).

Claim 9, wherein the signal is a DTMF (page 19, lines 5-8).

Claim 11, wherein the sender is an automated interactive response system (Fig. 9; PC 2).

Claim 12, "further comprising the step of ending the broadcast of the information to the recipient data communication network address when the connection between the sender and the recipient ends" reads on the connection is done between two devices by per session; thus when the session is terminated by an "on hook", the connection is terminated (page 17, lines 18-24).

Claims 13, 17 and 18 are analyzed with respect to method claim 21.

Claim 14, "means for initiating the connection on the voice communication network", page 15, lines 13-25);

Claim 15, "wherein the mean for transmitting is initiated by means for sending a signal to a server attached to the data network and capable of transmitting the information to the recipient data communication network address (page 15, lines 1-10 and page 23, lines 28-page 24, lines 25);

Claim 16 is analyzed with respect to claim 12.

Claim 19, wherein the voice communication network address is a telephone number (page 13, lines 9-12).

Claim 20, wherein the information is adapted for rendering on a television screen (page 24, lines 20-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson et al. (WO 97/47119) in view of Baechle Michael (EP 0709997).

Claim 10, Hansson does not clearly disclose the use of a voice command.

Official Notice is taken that the use of a voice command is notoriously well known in the data communication art, i.e. the user could say "Call 555-5555" and the system will recognize the command using the speech recognition and place a call using the stated phone number. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Hansson to use voice commands so to provide to user a friendly device that presents to users options that are easily to understand as similar to the options provided by conventional voice mail.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
02/02/2007



HAITRAN
PRIMARY EXAMINE